MISCELLANEOUS.

DEVELOPMENT DEPARTMENT

G.O. No. 1163, 22nd March 1950

Labour—Disputes—Dispute between the workers and the management of Codialbail Press, Mangalore—Recommendations of the Industrial Tribunal I, Madras—Orders passed.

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Labour - Disputes - Dispute between the workers and the management of Codialbail Press, Mangalore - Recommendations of the Industrial Tribunal Madras - Orders passed.

DEVELOPMENT DEPARTMENT

G.O. No. 1163, 22nd March 1950

Labour—Disputes—Dispute between the workers and the management of Codialbail Press, Mangalore—Recommendations of the Industrial Tribunal I, Madras—Orders passed.

READ—the following papers:—

I

G.O. Ms. No. 6035, Development, dated 27th December 1949.

G.O. Ms. No. 5916, Development, dated 16th December 1949.

II

BEFORE THE INDUSTRIAL TRIBUNAL FOR PRINTING PRESSES FOR THE PROVINCE OF MADRAS.

PRESENT:

SRI P. MARKANDEYULU, M.A., B.L.

[In the matter of the Industrial Dispute between the workers and the management of Codialbail Press, Mangalore.]

Reference.—G.O. Ms. No. 6035, Development, dated 27th December 1947.

Sri U. Kannappa, President of the South Kanara Trade Union Mangalore, for the workers of the Codialbail Press, Mangalore.

and

Mr. John Gonsalves, Advocate, for the Management of the Codialbail Press, Mangalore.

AWARD.

This is an alleged industrial dispute between the workers and the management of Codialbail Press, Mangalore, which has not been referred to this Tribunal by the Government but by the South Kanara Trade Union, Mangalore, by its letter, dated 14th May 1948 in pursuance of G.O. Ms. No. 6035, Development, dated 27th December 1947. The said Government Order has been cancelled by G.O. Ms. No. 5916, Development, dated 16th December 1949. But the Industrial Disputes in Printing Presses already pending before the Tribunal are saved from the operation of the later Government Order and the Tribunal is permitted to proceed with the adjudication of such disputes.

The members of the South Kanara Trade Union are not drawn from one particular trade or industry, but, according to the evidence of the Secretary, Sri M. Saldanha, W.W. 2, comprise "hand-loom workers", "Tile workers", "Printing Press Workers", "workers who do painting work" and others engaged in similar occupations. It is said that there are about 36 Press workers in the Union of whom about 33 are from the Codialbail Press.

In paragraph 1 of the letter, dated 14th May 1948, sent by the South Kanara Trade Union, which will hereafter be referred to as the South Kanara Trade Union, it is stated as follows:—

"On Thursday, 13th May, our Union convened at its office a meeting of the workers of the Codialbail Press, Mangalore, who are members of our Union, in order to draw up a list of their grievances to be submitted to your Tribunal. Accordingly, at this meeting the following list of grievances against the management of the said Press was drawn up for kind consideration and adjudication by the Tribunal:—".

It will be noticed that the word "grievances" is used in the passage above quoted and not the word "dispute". This will have a bearing on the 1 issue in the case which will be dealt with presently. At page 3 occurs the following passage:—

"Our Union has from time to time been sending the above grievances in writing to the management, but our representations have met with little response."

The reliefs prayed for by the Union are contained in the following paragraph at page 3:—

"The workers of the Codialbail Press hope and pray that your Tribunal will give due consideration to these their grievances and adjudicate in the matter so as to make the management give them satisfactory pay, increments, dearness allowance, considering the present prohibitive cost of living, and also restore the casual and sick leave so unjustifiably cancelled".

The management of the Codialbail Press have filed a written statement, dated 17th October 1949, in which it is alleged among other things that there is no industrial dispute between the workers and the management in the Codialbail Press and that "the alleged grievances have been created by the Union without reference to the workers". It is also contended that the South Kanara Trade Union has no right to represent the workers in the Codialbail Press. Paragraph 8 of the management's written statement is as follows:—

"That the action of the Trade Union in causing this so-called dispute and reference is irresponsible and unwarranted. In the absence of a separate union of workers giving effective representation to them, the Trade Union has no right to speak for the workers or to represent them. The management does not admit that any of the workers are members of the Union."

It may be mentioned that there is no Trade Union among the workers of the Codialbail Press.

In paragraph 9 the management questions the jurisdiction of this Tribunal "to deal with the reference as framed". The following issues have been settled in the case with the consent of both sides:—

Issue.—(1) Is there no Industrial dispute between the workers and management of the Codialbail Press and has this Tribunal no jurisdiction?

(2) Whether the South Kanara Trade Union is entitled to represent the workers of the Codialbail Press?

(3) What basic salaries and increments should be paid to the workers in the Codialbail Press?

(4) Is the existing dearness allowance insufficient and if so, what is the rate of dearness allowance that should be paid to them?

(5) To what leave facilities are the workers entitled?

(6) Are the workers entitled to three months' basic wages as bonus for the year 1948 (ending 31st December 1948) as claimed by them?

Issue (1).—What happened in this case is this. Soon after the South Kanara Trade Union learned from Press reports or otherwise, that an Industrial Tribunal had been constituted by the Government for the adjudication of Industrial Disputes in Printing Presses, it convened a meeting of the Press workers on 13th May 1948 who were mostly from the Codialbail Press and decided to submit a memorandum of grievances to the Tribunal. Subsequently the letter, dated 14th May 1948, was drawn up and sent to the Tribunal. Simultaneously or soon afterwards a copy of this letter was sent to the management of the Codialbail Press.

I have already referred to the fact that only "grievances" are mentioned in the letter and not "disputes". But the Tribunal is constituted only for the purpose of adjudicating on Industrial disputes.

It is admitted on behalf of the South Kanara Trade Union that the grievances and demands contained in the letter of 14th May 1948 were never communicated to the management of the Codialbail Press before its despatch to this Tribunal and that they were sent to the management only after the letter was despatched to this Tribunal.

The management therefore never rejected these demands at any time before the "disputes" was referred by the Union to this Tribunal. It is only when a demand as of right is made by the workers or by the Workers' Union and it is rejected by the management either expressly or by necessary implication that a dispute arises and not till then. From this it follows that there was no Industrial dispute in the Codialbail Press between the workers and the management of the grievances contained in the letter of 14th May 1948 are regarded as demands made for the first time on the management because they had not been rejected at any time by the management prior to the submission of the so-called dispute to this Tribunal. But it was argued by Mr. Kannappa, the President of the South Kanara Trade Union, that the reliefs prayed for in the statement filed before the Tribunal had been demanded from the management of the Codialbail Press from 1945 onwards and that there was an existing Industrial dispute between the parties before the submission of the statement, dated 14th May 1948. Exhibits 'A' to 'E' are relied on in support of this contention. Exhibit 'A' is a letter, dated 28th April 1945 from the President of the South Kanara Trade Union to the manager of the Codialbail Press requesting that the workers in the Press may be paid a dearness allowance of at least Rs. 10 per mensem. At that time the workers in the Codialbail Press were apparently getting only a dearness allowance of Rs. 4 to Rs. 6 per mensem. Soon afterwards the management of the Codialbail Press appear to have enhanced the Dearness allowance to Rs. 10 per mensem and Exhibit A (1) (10th July 1945) is a letter of thanks from Mr. Kannappa, the President of the Union, to the Manager of the Codialbail Press. The request in Exhibit 'A' having been granted in 1945 itself it cannot serve as evidence of an existing dispute in May 1948, when the Union's statement was filed before this Tribunal. Exhibit 'B' is another letter, dated 14th June 1946 from the President of the South Kanara Trade Union to the Manager of the Codialbail Press. In this letter a number of "requests" are made. They are—

(1) Payment of two months' wages as bonus for 1945-46 in addition to one month's wages already paid;

(2) The payment of dearness allowance to the workers at Rs. 15 per mensem;

(3) The introduction of "a time-scale of pay, increments being given according to the present standards";

(4) the grant of one month's sick leave in a year to every worker who has put in more than 12 months' service; and

(5) the grant of ten days' casual leave in a year to every worker.

Of these five requests the first is not in dispute now as no bonus is claimed for 1945-46. The claim for the payment of Rs. 15 per mensem as dearness allowance has been satisfied as it is admitted that the management is now paying a dearness allowance of Rs. 18 per mensem to those getting a basic pay of less than Rs. 30 per mensem and Rs. 20 per mensem to those getting a basic pay of more than Rs. 30 per mensem. The other three requests or claims mentioned in Exhibit 'B' (Nos. 3 to 5) are pressed in this reference also.

Exhibit 'C' is another letter, dated 16th August 1946 from the South Kanara Trade Union in which a reference is made to Exhibit 'B' and the management is earnestly requested to increase the dearness allowance from Rs. 10 to Rs. 15 per mensem without further delay though there may be some delay in the conceding of the other demands. As already stated the management is now paying its workers Rs. 18 and Rs. 20 per mensem as dearness allowance.

The next letter is Exhibit 'D', dated 11th November 1946. In this the only demands that are made are—

(1) the payment of dearness allowance at Rs. 15 per mensem to every worker by 5th November 1946; and

(2) the payment of one and a half months' pay by 31st December 1946 towards the balance of the bonus due for 1945.

It is stated in this letter that the workers in the Codialbail Press are very much disappointed at the poor response to the representations made on their behalf and the management is informed that if "the bonus and dearness allowance are not paid by the dates stipulated, the Union will be compelled to take other steps to secure the legitimate demands of the workers." There can be no doubt that in Exhibit 'D' at any rate the dearness allowance and the bonus are demanded as of right and that they can be the foundation of an Industrial dispute. But unfortunately these claims must be deemed to have been satisfied or abandoned long before the submission of the statement, dated 14th May 1948. As already stated the management is now paying either Rs. 18 or Rs. 20 per mensem as dearness allowance and the bonus for 1945 is not claimed in this adjudication. Exhibit 'D' therefore does not afford any evidence of an existing industrial dispute.

Exhibit 'E' is the last letter (12th February 1947), addressed by the South Kanara Trade Union to the management of the Codialbail Press. This makes no reference to the previous letters and the only demands made in it are—

(1) The payment of two months' pay as bonus for 1946;

(2) the grant of 10 days' casual leave in a year on full pay; and

(3) the restoration of the privilege of 20 days' sick leave in a year on at least half pay.

It will be noticed that the demand for the introduction of a time-scale of pay with increments is not found in Exhibit 'E' though it is mentioned in Exhibit 'B', dated 14th June 1946. In my opinion it must be deemed to have been abandoned.

The management addressed a letter to the South Kanara Trade Union on 23rd February 1947 of which Exhibit I is a copy. It appears to be a reply to Exhibit 'D' though there is no reference to it in this document.

From 23rd February 1947, the date of Exhibit I, to 14th May 1948 the date of the memorandum sent to this Tribunal, there does not appear to have been any correspondence between the Union and the management; and the demands of the workers do not appear to have been agitated or pressed either before the Labour Conciliation Officer or before the Commissioner of Labour. At any rate there is no evidence before me that the Union carried on correspondence with the Labour Department of the Government to redress the grievances of the workers. The Union appears to have slept over the matter till after the present Tribunal was constituted.

On this evidence it is difficult to say that there was a subsisting industrial dispute on 14th May 1948 between the workers and the management of the Codialbail Press. But the matter is set at rest by the evidence adduced by the Union itself.

The Union has examined only one worker, Ligory Alvares, from the Codialbail Press and he is W.W. 3. He speaks to the existing conditions in the Press in the matter of salaries, dearness allowance, leave and other matters, but in cross-examination he deposes "there is no dispute (Vivada) in the press between the management and the workers. There is no discontent in our press." Whether he was re-examined by Mr. Kannappa he deposed "there is complete satisfaction among the workers with regard to their salaries and leave facilities".

W.W. 1. A. J. Cutinha, is an ex-employee of the Codialbail Press and he is now working in the Nava Bharat Press. He left the Codialbail Press about four years ago and says that he has no personal knowledge of the affairs of the Press ever since.

The management have examined a Foreman clerk (K. Monnappa) as M.W. 2 who has been in their service for the last 47 years. The witness, who is 61 years old, deposes "so far as I know there is no dispute between the management and the workers. There is no discontent or dissatisfaction." Later on he says that he was a member of the South Kanara Trade Union about four years ago, that he had not attended any meetings of the Union and that he had no part in the reference of the dispute to this Tribunal.

On this evidence it is impossible to come to the conclusion that there is any industrial dispute between the workers and the management of the Codialbail Press. The Union claims that out of its 36 press worker members 33 are from the Codialbail Press and yet it could not find one witness to come and depose before the Tribunal that there is a dispute between the workers and the management regarding pay, dearness allowance, leave and other matters. It is argued by Mr. Kannappa that the workers are afraid of openly coming out and deposing that they are dissatisfied with the existing state of affairs and that there is an industrial dispute between them and the management lest they should incur the displeasure of the management and be penalised for it. This is mere conjecture and there is no evidence in support of this assertion. Mr. Kannappa relies on the statement of some of the witnesses to the effect that recently a circular was sent round by the management asking the workers to state if they were members of the South Kanara Trade Union. This by itself does not show that the management was contemplating to victimise or unjustly punish those of the workers who belonged to the South Kanara Trade Union.

For the foregoing reasons my finding on this issue is that there is no evidence of a subsisting Industrial dispute between the management and the workers of the Codialbail Press. But I express the hope that the officers of the Labour Department will enquire into the conditions of the workers in the Codialbail Press with a view to find out if there is any justification for the apprehension that the workers are prevented from voicing their legitimate grievances on account of fear of oppression or unjust treatment by the management.

Issues 2 to 6.—As the result of my finding on the first issue that there is no evidence of an existing Industrial dispute in the Codialbail Press it is unnecessary to record findings on these issues. But it should be stated that issue 6 regarding bonus was not pressed by the South Kanara Trade Union.

In the result the claims of the South Kanara Trade Union are rejected.

Dated at Madras this, the 23rd day of February 1950.

P. Markandeyelu,
Industrial Tribunal I, Madras.

Order—No. 1163, Development, dated 22nd March 1950.

Whereas the award of the Industrial Tribunal I, Madras, in respect of the industrial dispute between the workers and the management of Codialbail Press, Mangalore, has been received;

Now, therefore, in exercise of the powers conferred by section 15 (2) read with section 19 (3) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), His Excellency the Governor of Madras hereby declares that the said award shall be binding on the management of Codialbail Press, Mangalore, and the workers employed therein and directs that the said award shall come into operation on the 22nd March 1950, and shall remain in force for a period of one year. His Excellency the Governor of Madras further directs that, with reference to section 17 of the said Act, the award shall be published in the *Fort St. George Gazette*.

(By order of His Excellency the Governor)

P. S. VISWANATHA AYYAR,
Secretary to Government.

To the Industrial Tribunal (I), Madras, High Court Buildings, Madras.
" Commissioner of Labour, Madras (20 copies).
" District Magistrate, South Kanara.
" Management, Codialbail Press, Mangalore.
" President, South Kanara Trade Union, Mangalore.
" Industrial Tribunal, Vijayavada at Guntur.
" Industrial Tribunal (II), Madras, Block No. XVI, Fort St. George, Madras.
" Industrial Tribunal, Coimbatore.
" Government of India, Ministry of Labour, New Delhi (10 copies).
" Secretary to the Government of Bihar, Labour Department, Patna.
" Secretary to the Government of Bombay, Labour Department, Bombay.
" Secretary to the Government of West Bengal, Commerce, and Labour Department, Calcutta.
" Secretary to the Government of Orissa, Commerce and Labour Department, Cuttack.
" Secretary to the Government of United Provinces, Labour Department, Lucknow.
" Secretary to the Government of Central Provinces and Berar, Labour Department, Nagpur.

To the Chief Secretary to the Government of Assam, General and Judicial Department, Shillong (2 copies).
" the Commissioner of Labour, West Bengal, Calcutta.
" the Chief Commissioner, Delhi (2 copies).
" the Chief Commissioner, Ajmer-Merwara.
" the Commissioner of Labour, Bihar, Patna.
" the Director of Labour Information, Wellington Cinema Building, Dhobi Talo, Bombay-2.
" the Registrar of Industrial Courts, Bombay (2 copies).
" the Chief Commissioner of Coorg, Mercara.
" the Labour Commissioner, United Provinces, Post Box No. 220, Kanpur.
" the Director of Industries and Labour, No. I, Rajpur Road, Delhi.
" the Labour Commissioner, Assam, Shillong.
" the Superintendent, Government Press (for publication of the notification in the *Fort St. George Gazette*).
" Sri R. Venkataraman, M.A., B.L., Editor, "Labour Law Journal," No. 1/174, High Road, Royapetta, Madras-14.
" the Director-General, International Labour Office, Geneva.
" the Regional Director of Resettlement and Employment, Cathedral P.O., Madras.
" the Labour Commissioner, East Punjab, Seth Pokhar Dass Buildings, Nicholson Road, Ambala Cantonment.

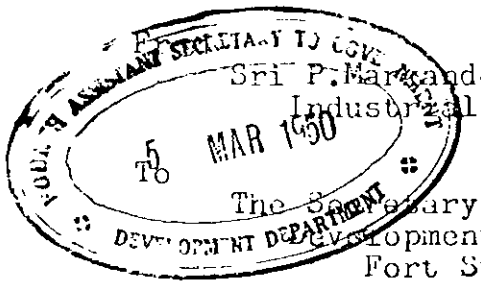
Forwarded to the

(By order)

Superintendent.

15

Office of the Industrial Tribunal.1.
Madras, High Court Buildings,
Dated 2nd March 1950.



From
Sri P.Markandeyulu, M.A., B.L.,
Industrial Tribunal.1.Madras.

To
The Secretary to Government,
Development Department,
Fort St. George.

18996 PF
6.3.50.

Sir,

Subject:- Industrial Dispute between the Workers and the Management of Codialbail Press, Mangalore - Award - submitted

Ref:- G.O.Ms.No.6035, Development, dated 27-12-1947 and G.O.Ms.No.5916, Development, dated 16-12-1949.

(H) (E)

I have the honour to submit herewith my award in the Industrial Dispute between the Workers and the Management of the Codialbail Press, Mangalore, submitted to this Tribunal by the South Kanara Trade Union, Mangalore, under G.O.Ms.No.6035, Development, dated 27-12- 1947.

Vide pp 3-10 below

(H)

Yours faithfully,

P.Markandeyulu

INDUSTRIAL TRIBUNAL.1.MADRAS.

BEFORE THE INDUSTRIAL TRIBUNAL FOR PRINTING PRESSES FOR THE PROVINCE OF MADRAS.

Present:- Sri P.Markandeyulu, M.A., B.L.,

IN the Matter of the Industrial Dispute between the Workers and the Management of Codialbail Press, Mangalore

Ref:- G.O.Ms.No.6035, Development, dated 27-12-1947.

Sri U.Kannappa, President of the South Kanara Trade Union, Mangalore for the Workers of the Codialbail Press, Mangalore,

and

Mr.John Gonsalves, Advocate, for the Management of the Codialbail Press, Mangalore.

A W A R D.

This is an alleged industrial dispute between the Workers and the Management of Codialbail Press, Mangalore which has not been referred to this Tribunal by the Government but by the South Kanara Trade Union, Mangalore, by its letter dated 14th May 1948 in pursuance of G.O.Ms.No.6035, Development dated 27-12-1947. The said G.O. has been cancelled by G.O.Ms.No.5916 Development Department, dated 16th December 1949. But the Industrial Disputes in Printing Presses already pending before the Tribunal are saved from the operation of the later G.O. and the Tribunal is permitted to proceed with the adjudication of such disputes

The members of the South Kanara Trade Union are not drawn from one particular trade or industry, but, according to the evidence of the Secretary, Sri M.Saldanha, W.W.2, comprise "hand-loom Workers", "Tile Workers", "Printing Press Workers", "workers who do painting work" and others engaged in similar occupations. It is said that there are about 36 Press Workers in the Union of whom about 33 are from the Codialbail Press.

In paragraph 1 of the letter dated 14th May 1948 sent by the South Kanara Trade Union, which will hereafter be referred to as the S.K.Trade Union, it is stated as follows:-

"On Thursday, 13th May, our Union convened at its Office a meeting of the workers of the Codialbail Press,

Mangalore, who are members of our Union, in order to draw up a list of their grievances to be submitted to your Tribunal. Accordingly, at this meeting the following list of grievances against the Management of the said Press was drawn up for kind consideration and adjudication by the Tribunal:-

It will be noticed that the word "grievances" is used in the passage above quoted and not the word "dispute". This will have a bearing on the I issue in the case which will be dealt with presently. At page 3 occurs the following passage:

"Our Union has from time to time been sending the above grievances in writing to the Management, but our representations have met with little response'

The reliefs prayed for by the Union are contained in the following paragraph at page 3:-

"The workers of the Codialbail Press hope and pray that your Tribunal will give due consideration to these their grievances and adjudicate in the matter so as to make the Management give them satisfactory pay, increments, dearness allowance, considering the present prohibitive cost of living, and also restore the casual and sick leave so unjustifiably cancelled".

The Management of the Codialbail Press have filed a written statement dated 17th October 1949 in which it is alleged among other things that there is no industrial dispute between the workers and the Management in the Codialbail rress and that "the alleged grievances have been created by the Union without reference to the workers". It is also contended that the S.K.Trade Union ha no right to represent the workers in the Codialbail Press. Paragraph 8 of the Management's written statement is as follows:-

"That the action of the Trade Union in causing this so-called dispute and reference is irresponsible and unwarranted. In the absence of a separate union of workers giving effective representation to them, the Trade Union has no right to speak for the workers or to represent them. The Management does not admit that any of the workers are members of the Union."

It may be mentioned that there is no Trade Union among the workers of the Codialbail Press.

In paragraph 9 the management questions the jurisdiction of this Tribunal "to deal with the reference as framed". The following issues have been settled in the case with the consent of both sides:-

ISSUES:- 1. Is there no Industrial dispute between the Workers and the Management of the Codialbail Press and has this Tribunal no jurisdiction?

2. Whether the South Kanara Trade Union is entitled to represent the workers of the Codialbail Press?

3. What basic salaries and increments should be paid to the workers in the Codialbail Press?

4. Is the existing Dearness Allowance insufficient and if so, what is the rate of Dearness Allowance that should be paid to them?

5. To what leave facilities are the workers entitled?

6. Are the workers entitled to three months' basic wages as Bonus for the year 1948 (ending 31-12-1948) as claimed by them?

Issue.1. What happened in this case is this. Soon after the S.K.Trade Union learned from Press reports or otherwise, that an Industrial Tribunal had been constituted by the Government for the adjudication of Industrial Disputes in Printing Presses, it convened a meeting of the Press workers on 13th May 1948 who were mostly from the Codialbail Press and decided to submit a memorandum of grievances to the Tribunal. Subsequently the letter dated 14th May 1948 was drawn up and sent to the Tribunal. Simultaneously or soon afterwards a copy of this letter was sent to the Management of the Codialbail Press.

I have already referred to the fact that only "grievances" are mentioned in the letter and not "disputes" But the Tribunal is constituted only for the purpose of adjudicating on Industrial disputes.

It is admitted on behalf of the S.K.Trade Union that the grievances and demands contained in the letter of 14th May 1948 v

14th May 1948 were never communicated to the Management of the Codialbail Press before its despatch to this Tribunal and that they were sent to the Management only after the letter was despatched to this Tribunal. The Management therefore never rejected these demands at any time before the "dispute" was referred by the Union to this Tribunal. It is only when a demand as of right is made by the workers or by the Workers' Union and it is rejected by the Management either expressly or by necessary implication that a dispute arises and not till then. From this it follows that there was no Industrial dispute in the Codialbail Press between the workers and the Management if the grievances contained in the letter of 14th May 1948 are regarded as demands made for the first time on the Management because they had not been rejected at any time by the Management prior to the submission of the so-called dispute to this Tribunal. But it was argued by Mr.Kannappa, the President of the S.K.Trade Union, that the reliefs prayed for in the statement filed before the Tribunal had been demanded from the Management of the Codialbail Press from 1945 onwards and that there was an existing Industrial dispute between the parties before the submission of the statement dated 14th May 1948. Exhibits 'A' to 'E' are relied on in support of this contention. Exhibit 'A' is a letter dated 28th April 1945 from the President of the S.K.Trade Union to the Manager of the Codialbail Press requesting that the workers in the Press may be paid a Dearness allowance of at least Rs.10/- per mensem. At that time the workers in the Codialbail Press were apparently getting only a Dearness allowance of Rs.4/- to Rs.6/- per mensem. Soon afterwards the Management of the Codialbail Press appear to have enhanced the Dearness allowance to Rs.10/- per mensem and Exhibit A(1) (10th July 1945) is a letter of thanks from Mr.Kannappa, the President of the Union, to the Manager of the Codialbail Press. The request in Exhibit 'A' having been granted in 1945 itself it cannot serve as evidence of an existing dispute in May 1948, when the Union's statement was filed before this Tribunal. Exhibit 'B' is another letter dated 14th June 1946 from the President of the S.K.Trade Union to the Manager of the Codialbail Press. In this letter a number of "requests" are made. They are:-

1) Payment of two months' wages as bonus for 1945-46 in addition to one month's wages already paid;

2) The payment of Dearness Allowance to the workers at Rs.15/- per mensem;

3) The introduction of "a time-scale of pay, increments being given according to the present standards";

4) The grant of one month's sick leave in a year to every worker who has put in more than 12 months' service; and

5) The grant of ten days' casual leave in a year to every worker.

Of these 5 requests the first is not in dispute now as no bonus is claimed for 1945-46. The claim for the payment of Rs.15/- per mensem as Dearness Allowance has been satisfied as it is admitted that the Management is now paying a Dearness Allowance of Rs.18/- per mensem to those getting a basic pay of less than Rs.30/- per mensem and Rs.20/- per mensem to those getting a basic pay of more than Rs.30/- per mensem. The other three requests or claims mentioned in Exhibit 'B' (Nos.3 to 5) are pressed in this reference also.

Exhibit 'C' is another letter dated 16th August 1946 from the S.K.Trade Union in which a reference is made to Exhibit 'B' and the Management is earnestly requested to increase the Dearness Allowance from Rs.10/- to Rs.15/- per mensem without further delay though there may be some delay in the conceding of the other demands. As already stated the Management is now paying its workers Rs.18/- and Rs.20/- per mensem as Dearness Allowance.

The next letter is Exhibit 'D' dated 11th November 1946. In this the only demands that are made are:-

(1) the payment of Dearness allowance at Rs.15/- per mensem to every worker by 5th November 1946;and

(2) the payment of one and a half months' pay by 31st December 1946 towards the balance of the bonus due for 1945.

It is stated in this letter that the workers in the Codialbail Press are very much disappointed at the poor response to the representations made on their behalf and the Management is informed that if "the bonus and dearness allowance are not paid by the dates stipulated, the Union will be compelled to take other steps to secure the legitimate demands of the workers." There can be no doubt that in Exhibit 'D' at any rate the Dearness Allowance and the bonus are demanded as of right and that they can be the

foundation of an Industrial dispute. But unfortunately these claims must be deemed to have been satisfied or abandoned long before the submission of the statement dated 14th May 1948. As already stated the Management is now paying either Rs.18/- or Rs.20/- per mensem as Dearness allowance and the bonus for 1945 is not claimed in this adjudication. Exhibit 'D' therefore does not afford any evidence of an existing industrial dispute.

Exhibit 'E' is the last letter (12-2-1947) addressed by the S.K.Trade Union to the Management of the Codialbail Press. This makes no reference to the previous letters and the only demands made in it are:-

(1) The payment of two months' pay as bonus for 1946;

(2) The grant of 10 days' casual leave in a year on full pay; and

(3) The restoration of the privilege of 20 days' sick leave in a year on at least half pay.

It will be noticed that the demand for the introduction of a time-scale of pay with increments is not found in Exhibit 'E' though it is mentioned in Exhibit 'B' dated 14th June 1946. In my opinion it must be deemed to have been abandoned.

The Management addressed a letter to the S.K.Trade Union on 23-2-1947 of which Exhibit I is a copy. It appears to be a reply to Exhibit 'D', though there is no reference to it in this document.

From 23-2-1947, the date of Exhibit I, to 14-5-1948 the date of the memorandum sent to this Tribunal, there does not appear to have been any correspondence between the Union and the Management; and the demands of the workers do not appear to have been agitated or pressed either before the Labour Conciliation Officer or before the Commissioner of Labour. At any rate there is no evidence before me that the Union carried on corespondence with the Labour Department of the Government to redress the grievances of the workers. The Union appears to have slept over the matter till after the present Tribunal was constituted.

On this evidence it is difficult to say that there was a subsisting industrial dispute on 14-5-1948 between the workers and the Management of the Codialbail Press. But the matter is set at rest by the evidence adduced by the Union itself.

The Union has examined only one worker, Ligory Alvares, from the Codialbail Press and he is W.W.3 He speaks to the existing conditions in the Press in the matter of salaries, dearness allowance, leave and other matters, but in cross-examination he deposes "there is no dispute (Vivada) in the press between the management and the workers. There is no discontent in our Press" When he was re-examined by Mr.Kannappa he deposed "there is complete satisfaction among the workers with regard to their salaries and leave facilities".

W.W.1., A.J.Cutinha, is an ex-employee of the Codialbail Press and he is now working in the NavaBharat Press. He left the Codialbail Press about four years ago and says that he has no personal knowledge of the affairs of the Press ever since.

The Management have examined a Foreman-Clerk (K.Monappa) as M.W.2 who has been in their service for the last 47 years. The witness, who is 61 years old, deposes "so far as I know there is no dispute between the management and the workers. There is no discontent or dissatisfaction." Later on he says that he was a member of the S.K.Trade Union about four years ago, that he had not attended any meetings of the Union and that he had no part in the reference of the dispute to this Tribunal.

On this evidence it is impossible to come to the conclusion that there is any industrial dispute between the workers and the Management of the Codialbail Press. The Union claims that out of its 36 press-worker-members 33 are from the Codialbail Press and yet it could not find one witness to come and depose before the Tribunal that there is a dispute between the workers and the Management regarding pay, Dearness Allowance, leave and other matters. It is argued by Mr.Kannappa that the workers are afraid of openly coming out and deposing that they are dissatisfied with the existing state of affairs and that there is an industrial dispute between them and the management lest they should incur the displeasure of the Management and be penalised for it. This is mere conjecture and there is no evidence in support of this assertion. Mr.Kannappa relies on the statement of some of the witnesses to the ffect that recently a Circular was sent round by the Management asking the workers to state if they

round by the Management asking the workers to state if they were members of the S.K.Trade Union. This by itself does not show that the Management was contemplating to victimise or unjustly punish those of the workers who belonged to the S.K.Trade Union.

For the foregoing reasons my finding on this issue is that there is no evidence of a subsisting Industrial dispute between the Management and the workers of the Codialbail Press. But I express the hope that the officers of the Labour Department will enquire into the conditions of the workers in the Codialbail Press with a view to find out if there is any justification for the apprehension that the workers are prevented from voicing their legitimate grievances on account of fear of oppression or unjust treatment by the Management.

ISSUES 2 to 6. As the result of my finding on the first issue that there is no evidence of an existing Industrial Dispute in the Codialbail Press it is unnecessary to record findings on these issues. But it should be stated that issue 6 regarding bonus was not pressed by the S.K.Trade Union.

In the result the claims of the S.K.Trade Union are rejected.

Dated at Madras this the 23rd day of February 1950.

INDUSTRIAL TRIBUNAL.1.MADRAS.

Two drafts I

Devt Dept 15

Sub:- Labour - Disputes - Dispute between the workers and the management of Codialbail Press, Mangalore - Recommendations of the Industrial Tribunal I Madras - Orders Passed.

Read again :- G.O.Ms.6035 devt dated 27.12.47
G.O.Ms 5916 devt. dated 16.12.49.

G.O.Ms 1163 dated 22-3-50.

Whereas the award of the Industrial Tribunal I, Madras, in respect of the industrial dispute between the workers and the management of the Codialbail Press, Mangalore, has been received;

Now, Therefore, in exercise of the powers conferred by section 15 (2) read with section 19(3) of the Industrial Disputes Act, 1947, (Central Act XIV of 1947), H.E. the Governor of Madras hereby declares that the said award shall be binding on the management of Codialbail Press, Mangalore and the workers employed therein and directs that the said award shall ~~remain~~ come into operation on the ~~16~~ 22nd March, 1950, and shall remain in force for a period of one year. H.E. the Governor further directs that with reference to section 17 of the said Act, the award shall be published in the F.S.G.Gazette.

× date of order

To the Industrial Tribunal I
Madras, High court Buildings
Madras

To the C.L. (20 copies)
" D.M. South Kanara
" management, Codialbail Press
Mangalore
" President, South Kanara
Trade Union, Mangalore.

Separate endorsement below

" Industrial Tribunal, Vijayawada at Guntur.

" Industrial Tribunal II, Madras, Block No. XVI, Fort St. George, Madras.
" ~~Industrial Tribunal I, High Court Buildings, Madras.~~
" Industrial Tribunal, Coimbatore.
" Government of India, Ministry of Labour, New Delhi (10 copies).
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P.T.O.

16

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" the Labour Commissioner, Assam, Shillong.
" the Superintendent, Government Press, for publication in the *Fort St. George Gazette*.
" Sri R. Venkataraman, M.A., B.L., No. 1/174, the High Road, Royapetta, Madras.
" the Director-General, International Labour Office, Geneva.
" the Regional Director of Resettlement and Employment, Cathedral P.O., Madras.
" the Regional Labour Commissioner (Central), Flat No. 12, First Floor, Khaleeli Mansions, Mount Road, Madras.
" the Labour Commissioner, East Punjab, Seth Pokhar Dass Buildings, Nicholson Road, Ambala Cantonment.

Appx 6/5/50

By Reg Post Ack due.

To The management, Codialbail Press, Mangalore
President, South Kanara Trade union, Mangalore.

6.5.50

To issue special
GM
22.3.50.

II

Devt Dept 3[17]

Memo No. 18996 PI/50 - 22-3-50.

Sub:- Labour - Disputes - Dispute between the workers and the management of Codialbail Press, Mangalore - Recommendations of the Industrial Tribunal I Madras.

Draft on put above Ref G.O.MS 1163 dated 22-3-50

The S.G.P. is requested to publish the G.O. read above along with the award in the F.S.G. Gazette dated the 28th ~~February~~ March 1950 without fail and to send to this Dept 35 signature copies and 60 spare copies immediately there after. The G.O. should contain the address entries also.

To the S.G.P. GM 20-3-50.
" C.S. with encls. 20-3-50
copy of G.O.

CPS
22.3.50

C No. 18996 PI/50

Development (PI) Department.

Sub: Labour - Disputes - Dispute between the workers and the Management of Codialbail Press, Mangalore - Award.

Ref: From the Industrial Tribunal I Madras dt. 2-3-50.

In G.O.Ms.6035 Development dated 27-12-47 the Government directed that the dispute between the workers and the managements of ~~Engineering firms and type foundaries~~ Printing presses in the Province be referred for adjudication to an Industrial Tribunal consisting of Sri P. Markandeyalu, Retired Judge, City Civil Court, Madras. The above order has since been cancelled by G.O.5916 Development dated 16-12-49, with a proviso saving the power of the Industrial Tribunal to adjudicate upon any dispute already referred to it by Government or by the workers or the management of any printing press in the Province. The Tribunal has now submitted an award in respect of the dispute between the workers and the management of the Codialbail Press, Mangalore, referred to it by the South Kanara Trade Union. The tribunal has held that there is no evidence of a subsisting dispute between the management and the workers of the Codialbail Press and has therefore rejected the claims of the South Kanara Trade Union.

Under Section 15(2) read with sec.19(3) of the Industrial Disputes Act, 1947, the award has to be enforced on the parties for a period not exceeding one year. (No summary need be published in this case).

Submitted for orders.

CPG 14-3-50

SM 13.3.50. PS 13-3-50

CPG 14.3.50

SECRETARY TO GOVERNMENT 18 MAR 1950 DEVELOPMENT DEPART.

15.3.50

HM(LR) HA(LR)

2/.

To AS

Orders in circulation on page 1 above may be pinned.
A draft order and a draft memo to the S.G.P.
are submitted for approval.

SM
20.3.50.

PS
20.3.50